GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Printersal Private, Ltd., Station Road, Bangalore-1.

Award of the Additional Industrial Tribunal, Bangalore, published.

Read the following papers :—

(i) Letter No. A.I.T. No. 1307/68-69, dated the 4th January 1969 from Shri R. V. Kollali, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 31st December 1968.

PRESENT :

Sri R. V. Kollali, B.A., LL.B., *Presiding Officer.*

A.I.D. No. 18 of 1968.

I Party—

The Workmen of M/s. Printersall (P) Ltd., No. 4, Station Road, Bangalore-1.

Vs.

II Party—

The Management of M/s. Printersall (P) Ltd., No. 4, Station Road, Bangalore-1.

APPEARANCES :

For the I Party—

Sri B. K. Sriramiah. B.A., B.L., President, Hind Mazdoor Pancha- No. 305, Subedar Chatram Road, Bangalore-9.

For the II Party—

Sri B. R. Puttananjappa, M.A., LL.B., Honorary Secretary, Mysore State Employers' Association, Bangalore-4.

REFERENCE :

(Government Order No. FCL 205 LLD 68, dated 26th April 1968).

AWARD.

The Government of Mysore being of opinion that an Industrial Dispute existed between the Workmen and the Management of Printersall Private Limited, No. 4, Station Road, Bangalore-1, have referred it to this Tribunal for adjudication under Section 10(1)-(d) of the Industrial Disputes Act, 1947, by their Order No. FCL 205 LLD 68, dated 26th April 1968, setting out the following points of dispute for adjudication :—

"Are the workmen of M/s. Printersall Private Ltd., No. 4, Station Road, Bangalore-1, justified in demanding the following :—

1. *Leave.*—

(i) 15 days Earned Leave with full wages for every workman for each year of service. There should be no qualifying period for an advance application for the grant of leave and further, the leave should be granted more than three spells as and when workmen require the leave at his credit.

(ii) 15 days Casual Leave with full wages.

(iii) 15 days Sick Leave with full wages.

(iv) 15 days Festival Holidays with full wages for every year of service.

(2) The existing grades of wages for each category of employees be revised as fixed in such a form that the lowest paid workmen should be paid not less than Rs. 40 per month for 26 working days and 15 per cent of his pay should be fixed as increment ladder and such increment should be fixed to run concurrently for 15 years. The other category of jobs should be rated one after the other in the order of skill of each category of jobs and the difference between the minimum wages of pay scales of a category of the minimum wage job to the other should be 25 per cent higher from one minimum wage of

a category to the other. In the said grades the increments should be fixed by giving the following weightage :—

Between 1 year to below 3 years—1 increment.
3 years to below 6 years—2 increments.
6 years and above—3 increments.

In addition for those who have not been granted increments during the past years on completion of one year in the existing grade or for those whose grade has been reached after reaching the maximum of the grade and getting stagnated be granted at the rate of one last drawn increments ladder as increment for each of the years and then they should be fitted into the grades demanded above.

(3) Bonus.—Payment of Bonus at the rate of 15 per cent of the total wages earned for each of the years ending 1963-64, 1964-65, 1965-66 and 1966-67.

(4) Dearness Allowance.—The payment of Dearness Allowance at the Government rate of Dearness Allowance on flat rate basis that is being paid for those who have not opted for the merged rate of Dearness Allowance or in the alternative, the payment of 0.15 paise for every point of raise above 100 on the cost of living index figures published for Bangalore by Government of Mysore.

(5) The sweted extraction of work be stopped forthwith in respect of watchmen. Their overtime wages and other benefits under the provisions of Industrial Disputes Act be accepted forthwith.

(6) The above demands be granted with effect from 1st August 1967.

If not, what other reliefs, the workmen are entitled to ?"

2. After the service of notices, the I Party-workmen filed a claim-statement stating that the employees' of the II Party were Members of the Printing Press Workers Association, that the II Party concern was originally established in 1963 under the name and style of M/s. Printersal and most of the employees had been in services since the inception of the concern, that subsequently, the originally established concern was converted into a private limited concern, that no service conditions in regard to the employees had been fixed and the employees were entertained as and when required and the scales of wages, etc., were fixed arbitrarily and none of the benefits available under the several industrial laws were made applicable to them, that the employees were seeking a defined wage

structure and other service conditions as available in similar concerns in the City and also for the application and implementation of the industrial legislations including the bonus act, that thereafter the present dispute which had been referred for adjudication was raised, the employees demanded 15 days casual leave with full wages, 15 days sick leave with full wages and 15 days festival holidays with full wages, for every year of service, that the wage structure be revised and put in such a way that the lowest paid workman would not get less than Rs. 40 per month and 15 per cent of his pay be adopted as an increment prior to run concurrently for 15 years. that the other categories of jobs should be offered one after another in the order of skill and the minimum wages should be 25 per cent higher than the immediately next lower category minimum with a minimum weightage as set out in the claim statement, that 15 per cent of the total wage earned in each of the years from 1963-64 be ordered towards bonus to each employee and a Dearness Allowance at the Government rate be fixed and Overtime wages and other benefits be made available and the above demands be granted with effect from 1st August 1967, that the above demands are justified and legal in as much as the II Party had been making huge profits and has the capacity to meet these demands, that the wage structure was set out in Schedule 8 of the Claim Statement.

3. By its Counter Statement, the II Party contended that the Press was actually put into commission in the year 1964 and due to the out of the way location, it was incurring heavy losses from the beginning and never earned any profits, that in June 1966, the Printing Press was taken by the Private Printing Company, the present II Party, that the new management had been striving its best to improve the financial position of the Press but had not yet reached a no loss position, let alone making profits, that the Press would be shifted to the more centrally located place after which, it would be a paying proposition and hence the demands of the workmen are premature, that the Government by its Notification No. FCL 4 LMW 67, dated 7th November 1967 as revised with effect from 1st December 1967 had set down certain wages as minimum in the Printing Industry, that the II Party had not been paying less than the minimum wages specified in the said order, but in some instances it had been paying more that in the circumstances of the financial position of the concern, the demand of the I Party was not tenable, that the matter of Earned leave is governed by Section 79 of the Factories Act and the Sick leave by the E.S.I. Act and the demand for a more liberal earned and sick leave are not justified that ten days of casual leave in a year were granted and there was no case for further increase that the demand for more than 7 paid holidays is not justified that under the Bonus Act, no bonus is payable till the sixty accounting year following 1964-65 when actually

the Printing Press was commissioned and there had been no profits, the demand for over-time wages was vague and also was baseless, that the demand for upward revision of wages with incremental scales and the Dearness Allowance were also not justified.

4. By the replay, the I Party reiterated its claim and denied the contentions of the II Party.

5. The following issues were settled :—

"(1) When was the II Party-Establishment set up ?

(2) What are the existing service conditions in the II Party Establishment in regard to (1) leave facilities, (2) wages, (3) D.A., (4) Bonus and (5) Over-time allowance.

(3) Is the I Party justified in demanding leave facilities and benefits in excess of what has been provided under—
(1) Section 79 of the Factories Act.
(2) National and Festival Holidays Act.
(3) E.S.I. Act.

(4) Has the Government of Mysore fixed minimum wages for the Printing Industry. If so, is the I Party justified in demanding higher wages than the minimum wages. If so, are the workmen entitled to the increments demanded ?

(5) Is the Payment of Bonus Act 1965 applicable to the establishment of the II Party ?

(6) Does the II Party prove that it has no financial capacity to bear the burden involved in the demand for higher wages and for Dearness Allowance ?

(7) Does the I Party prove that any of the Watchman has earned overtime wages and if so, to what amount ? "

6. When the matter came up for hearing to-day the two Parties filed a Joint Memo whereby they stated that in the interest of industrial peace, they settled the dispute on the terms and conditions as specified in the Memo. Under the Settlement, the question of Annual leave and sick leave is agreed to be determined under the provisions respectively of Section 79 of the Factories Act, and the E.S.I. Scheme. They have agreed that the casual leave shall be 12 days in an year as now and festival holidays shall be on any twelve of the 15 holidays specified in the settlement. They have also agreed that the employees be classified into six categories and the salary scales and annual increments should be as set out in

Annexure A and B and the salary scales to be effective from 1st July 1968. They have also agreed on a scheme of weightage increments to the employees of various service periods; they have also agreed to the scheme of payment of dues to the employees as may arise under the settlement. They have agreed that no bonus was payable to the workman and the workman did not press the demand for the Dearness Allowance. They have also agreed that the demand regarding overtime wages for watchmen did not arise as it was goverened by the provisions of the Factories Act. The workmen further agreed not to raise any demands in respect of matters covered by the above Memo for a period of two years and they have also agreed to maintain discipline and to extend full co-operation for the efficiency and production.

7. From the terms of the settlement set out in brief in the above paragraph, it is clear that the Parties have discussed the entire scope of their dispute and agreed to face realities. The settlement having been found satisfactory by both the workmen and the management deserves to be accepted. It is fair and reasonable and it will ensure a healthy industrial climate for a period of two years. I, therefore, accept the settlement and pass the following Award :—

AWARD

"Award is passed in terms of the Settlement with Annexures A and B which shall be read as part of the Award."

R. V. KOLLALI,
Presiding Officer.
Additional Industrial Tribunal,
Bangalore.

MESSRS PRINTERSALL PRIVATE LIMITED, No. 4, STATION ROAD, BANGALORE.

Before the Hon'ble Additional Industrial Tribunal, Bangalore.

Ref. No. AID 18 *of* 1968.

I Party—Workmen

II Party.—Management of M/s. Printersall Private Limited, No. 4, Station Road, Bangalore-1.